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9 IN THE UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 IN THE MATTER OF RICHARD) No. MC09-5001RBL
12 MUGANE, A# 88-738-154,)
13) ORDER GRANTING
14) EMERGENCY EX-PARTE MOTION TO
PROVIDE INVOLUNTARY MEDICAL CARE,
) NUTRITION AND HYDRATION FOR INMATE
)

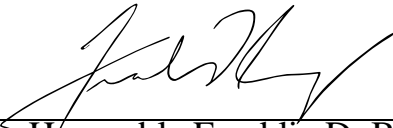
15 The Department of Homeland Security, Immigration and Customs Enforcement (hereafter
16 "ICE") has filed an ex parte motion for an order permitting it to pursue involuntary feeding of
17 Richard Mugane (A# 88-738-154), who is currently incarcerated as a civil detainee at the
18 Northwest Detention Center in Tacoma, Washington.

19 Based on the Declaration of Marchell Rene Spielmann, ARNP, and information
20 submitted by ICE, I find that there is sufficient cause to believe that without the requested
21 medical testing and treatment, Mr. Mugane is in danger of irreparable injury and possible death.
22 Mr. Mugane's current hunger strike poses a serious medical risk to himself.

23 A review of the applicable law reveals that the ICE has an affirmative statutory and
24 constitutional duty to care for and treat inmates in its custody. This Court has inherent authority
25 to issue an Order requiring ICE to undertake this affirmative duty, which includes provision of
26 forced feeding with plastic tubes through the nasal passage and/or by intravenous means and
27 involuntary blood draws to assess Mr. Mugane's nutritional status and the efficacy of feedings..
28 Such treatment should be limited to that which is medically necessary for Mr. Mugane.

1 Therefore, IT IS HEREBY ORDERED that ICE may undertake the medical procedures
2 and treatment described herein. ICE is directed to provide a copy of this order to Mr. Mugane
3 forthwith.

4 DATED this 29th day of January, 2009.

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9 The Honorable Franklin D. Burgess
10 United States District Court Judge

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12 Presented by:

13
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